

REMARKS

The Office Action mailed February 12, 2009, has been received and reviewed. Claims 1 through 112 are currently pending in the application. Claims 1 through 25 and 40 through 112 have been withdrawn from consideration. Claims 26 through 39 stand rejected.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent Publication No. 2003/0125822 to LaNeve

Claims 26 through 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by LaNeve (U.S. Patent Publication No. 2003/0125822). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

LaNeve does not anticipate claims 26 through 32 because LaNeve does not expressly or inherently describe each and every element of independent claim 26. Specifically, LaNeve does not disclose “providing at least one patron an opportunity to select at least one runner from a list of runners; responsive to the at least one patron selecting the at least one runner, providing the at least one patron an opportunity to place at least one first wager on a race wherein the at least one runner makes up a portion of the at least one first wager,” as recited in claim 26. Rather, LaNeve describes a method and system for providing probable payout information to a user for exotic wagers. *LaNeve*, paragraph [0029]. As depicted in FIGs. 4 and 4a, the user in LaNeve must select a wager amount *before* selecting a runner so that the probable payout information for the exotic wagers can be calculated based on the wager amount. *See LaNeve* at paragraph [0024] stating that the probable payouts are based on a \$2 wager amount. In the claimed method, the at least one patron selects at least one runner before placing at least one first wager (including wager amount and wager type); however, LaNeve does not disclose selection of a runner *before* placing a wager amount.

Furthermore, LaNeve does not expressly or inherently describe “responsive to the at least one patron placing the at least one first wager, providing the at least one patron with an opportunity to place at least one second wager on the race.” Rather, LaNeve describes that after the user selects the probable payout value on FIG. 4 corresponding to a wager type, the selection is then displayed to the user in the selection window 208 of FIG. 3, and the wager may be placed by the user by selecting the “SUBMIT” button displayed in the interface of FIG. 3. *LaNeve* at paragraph [0039]. Also, FIG. 5 of LaNeve illustrates an exemplary graphical user interface for providing information to a user associated with races within a multiple race wager group. *Id.* at paragraphs [0044]-[0045]. FIG. 5 is shown with two selection windows 208 so that the wager from each race, required, for example, for a daily double wager, may be placed by the user *at the same time* by selecting the “SUBMIT” button. LaNeve, therefore, does not expressly or inherently describe that the user is provided an opportunity to place at least one second wager on the race *after* selecting the “SUBMIT” button.

Since LaNeve does not expressly or inherently describe each and every element of claim 26, Applicant respectfully requests withdrawal of the anticipation rejection of this claim.

Regarding claims 27 through 32, these claims depend from claim 26 which is allowable. Therefore, at least by virtue of their dependence from an allowable claim, claims 27 through 32 are allowable.

LaNeve does not anticipate claims 33 through 39 because LaNeve does not expressly or inherently describe each and every element of independent claim 33. Specifically, LaNeve does not disclose “the at least one patron is presented with an opportunity to place at least one first wager on a race displayed on the display element in response to the at least one patron selecting the at least one runner and wherein the at least one runner makes up a portion of the least one first wager,” as recited in claim 33. Rather, as previously discussed regarding claim 26 and depicted in FIGs. 4 and 4a, the user in LaNeve must select a wager amount *before* selecting a runner so that the probable payout information for the exotic wagers can be calculated based on the wager amount. *See LaNeve* at paragraph [0024] stating that the probable payouts are based on a \$2 wager amount. In the claimed method, the at least one patron must select at least one runner before placing at least one first wager (including wager amount and wager type); however, LaNeve does not disclose selection of a runner *before* placing a wager amount.

Furthermore, LaNeve does not expressly or inherently describe “responsive to the at least one patron placing the at least one first wager, providing the at least one patron with an opportunity to place at least one second wager on the race,” as recited in claim 33. Rather, LaNeve describes that after the user selects the probable payout value on FIG. 4 corresponding to a wager type, the selection is then displayed to the user in the selection window 208 of FIG. 3, and the wager may be placed by the user by selecting the “SUBMIT” button displayed in the interface of FIG. 3. *LaNeve* at paragraph [0039]. Also, FIG. 5 of LaNeve illustrates an exemplary graphical user interface for providing information to a user associated with races within a multiple race wager group. *Id.* at paragraphs [0044]-[0045]. FIG. 5 is shown with two selection windows 208 so that the wager from each race, required, for example, for a daily double wager, may be placed by the user at the same time by selecting the “SUBMIT” button. LaNeve, therefore, does not expressly or inherently describe that that the user is provided an opportunity to place at least one second wager on the race *after* selecting the “SUBMIT” button.

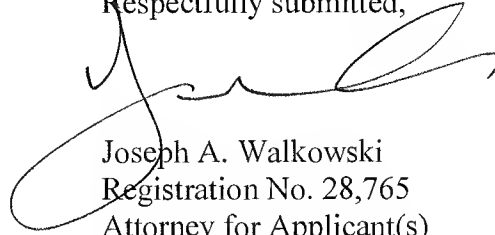
Since LaNeve does not expressly or inherently describe each and every element of claim 33, Applicant respectfully requests withdrawal of the anticipation rejection of this claim.

Regarding claims 34 through 39, these claims depend from claim 33 which is allowable. Therefore, at least by virtue of their dependence from an allowable claim, claims 34 through 39 are allowable

CONCLUSION

Claims 26 through 39 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Walkowski', is written over the typed name and registration number.

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